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SUBJECT: DOMINICAN POLITICS III #13: A NEW, MORE SERIOUS
NATIONAL ELECTIONS BOARD

¶1. This is the thirteenth cable in our series on Dominican
politics in the third year of the administration of President
Leonel Fernandez.

¶2. (SBU) In November 2006 the Senate chose a new 9-member
elections authority (JCE), composed for the most part of
eminent jurists. The JCE is showing great seriousness in
electoral responsibilities and in confronting the appalling
state of the national citizenship registry.

A NEW, MORE SERIOUS NATIONAL ELECTIONS BOARD

Dominican authorities and the three major Dominican parties
have begun the 17-month arc of the current Dominican
electoral cycle, to culminate in the presidential elections
of May 16, 2008. At a January 10 lunch with the Ambassador,
historian Frank Moya Pons and journalist Adriano Tejada
agreed especially on one particular point: the national
elections calendar leaves no breathing room to the public or
the political parties. With congressional elections and
presidential elections only two years apart, the country is
perpetually in campaign.

In the current talk about constitutional reform, some
participants advocate holding "reunifying" national
elections, so that the elective offices are chosen at 4-year
intervals. That was the pattern until 1994, an election in
which the scope of electoral fraud led to the negotiated
departure of Joaquin Balaguer from the presidency two years
later.

JCE - A Few Good Men and Women

By law, the Central Elections Board (Junta Central Electoral
or JCE) has absolute jurisdiction, subject to no further

appeal, over elections, electoral conduct, citizenship registration, voter registration, and electoral disputes. The newly elected Senate chooses JCE members for 4-year terms. Since the 1996 elections, the JCE has had a good record, overall, although inevitably the members have reflected the composition of the Senate that appointed them.

PLD and PRSC congressional representatives criticized the 1998 - 2002 board as too dominated by its PRD-affiliated president Manuel Ramon Morel Cerda, Senators expanded the JCE from 5 to 9 members and undercut the JCE president's authority by structuring it as three quasi-independent chambers -- a plenary, a three-member chamber for administrative matters, and a five-member disputes body. On the 2002-2006 JCE seven of the nine justices were unapologetically partisans of the PRD. Even so, their administration of elections was generally above reproach, particularly given the clear sense of the citizenry -- the overwhelming 2004 defeat of PRD candidate for presidential re-election Hipolito Mejia and the 2006 PLD sweep of the Senate and PLD majority in the House.

In 2006 Senate President Reinaldo Pared Perez (also Secretary General of the ruling PLD) and the 27 PLD Senators in the 32-member chamber took an apparently different approach to selecting election judges. In October he insisted to the Ambassador that the Senate would seek only the best and most qualified individuals for the jobs. They invited candidacies and reviewed more than 150 individuals, initially on paper and subsequently, for a group of 41, in direct interviews. The JCE board announced on November 22 was conspicuously less partisan than in the past. Each of the 9 appointees has a designated substitute in case of withdrawal or resignation.

Six members, including the plenary presiding justice Julio Cesar Castanos Guzman, were legal professionals with few or no connections with the political parties. (Julio Cesar's brother, Servio Tulio Castanos Guzman, is executive director

of the USAID-supported watchdog NGO, "Foundation for Justice and Institution-Building," or FINJUS).

Only three had patent political ties: Roberto Rosario (PLD), the only justice retained from the previous JCE; Eddy Olivares Ortega (PRD), who nosed out the PRD's initially proposed candidate Cesar Diaz Filpo; and Cesar Feliz Feliz (PRSC).

Senators insisted on electing Dra. Aura Celeste Fernandez Rodriguez, the director of the Judiciary School, even though she had written to the Senators seeking to decline and warning of the dangers of politicizing the body. She had served on the 1998-2002 JCE. In 2004 the U.S. Department of State gave Fernandez Rodriguez a human rights award for achievements in improving training of judges and prosecutors.

Thick Dossiers, Big Issues

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The JCE has its work cut out, cleaning up after its predecessors and setting up for the 2008 elections:

- - Justices were dismayed that a US\$ 62 million contract to contractor SOMO to computerize citizenship files and automate ID issuance had apparently produced almost nothing. They have voted to engage an audit firm to review SOMO's work to date.

- - They have discharged various staff members, generally without comment.

- - Presiding justice Castanos Guzman has responded aggressively to cuts made to the JCE budget in the Fernandez administration's 2007 budget. Congress has agreed to restore some, but not all, of the funds.

- - Justices approved a regulation to oversee finances of

political party primaries and candidates' campaigns. Many in all three major parties welcomed this decision and praised the JCE's restraint in leaving to party structures the decisions about voting procedures and timetables. This activity begins on January 28 as the JCE monitors the PRD's internal voting in the contest between Miguel Vargas Maldonado and Milagros Ortiz Bosch.

- - Castanos Guzman acknowledged the chaotic state of the national citizenship registry, in which on average 17 percent of the records had been severely damaged, lost, or rendered otherwise unusable. About a quarter of the indisputably Dominican population has no official record of birth and has, in effect, no legal existence.

- - Justices declared their intention to regulate fees and compensation much more closely for the 161 civil registry employees across the country, who to date have been left to set their own fees, in a sort of "tax farming" enterprise across the country. The JCE intends to set maximum compensation to 60,000 pesos per month -- at just less than US \$2000, still a relatively princely sum for the Dominican Republic. Op-Ed commentators suggest that this will be such a drop in compensation that many officials will leave.

- - At the urging of Justice John Guilliani Valenzuela, the JCE is working on a proposal to create an official registry

of births of foreigners. If created, this mechanism and procedure would put the country in compliance with international treaty obligations, at least going forward. This is a very sensitive topic, particularly because of Dominican sensibilities about Haitians resident in the country without permission. Ambassador Hertell raised the matter in his November 22 speech and received a blistering public attack from Foreign Minister Morales Troncoso, otherwise a friend and admirer of the United States. The headache of the hundreds of thousands of undocumented Haitians and Dominicans of Haitian ancestry will also have to be addressed, eventually.

Capsule Bios of the JCE Members

PLENARY PRESIDENT

Castanos Guzman, Dr. Julio Cesar, president of the JCE Plenary. Professor of law at the catholic PUCMM law school, practices law at own firm Castanos & Castanos. Has held government appointments as JCE judge 1998-2002, deputy legal advisor to President Balaguer, and government prosecutor for the capital district in the early 1990's. Two brothers are also attorneys, including Servio Tulio, executive director of the Foundation for Justice and Institution Building. His father, Julio Cesar Castanos Espaillat, was three times rector of the Autonomous University of Santo Domingo and prominent in the PRD and PRSC, briefly becoming a potential presidential candidate in 1974.

ADMINISTRATIVE CHAMBER

Rosario Marquez, Dr. Roberto, president of the Administrative Chamber. Ties to PLD; the only judge to be re-elected. Has worked as legal consultant to the Commission on the Reform of State Industries. Has his own law practice and is an associate member of the Chamber of Accounts, the audit arm of the National Congress.

Aquino Rodriguez, Dr. Jose Angel, member, Administrative Chamber UASD law graduate. Has monitored elections on behalf of the USAID-supported NGO "Participacion Ciudadana."

Feliz Feliz, Dr. Cesar Francisco, member, Administrative Chamber. Tied to the PRSC. Holds degree in law, has served as a secretary of the justice of the peace in Cabral, as a judge, as a Congressman, and is a member of the National Council of the Judiciary (the body that chooses judges). Advisor to Congress.

DISPUTES CHAMBER Rodriguez Rijo, Dr. Mariano, president of the Disputes Chamber. UASD graduate, a professor at the catholic PUCMM law school, who has served as the president of the JCE board for the capital district since 1999.

Fernandez Rodriguez, Dra. Aura Celeste, member, Disputes Chamber. Graduate of the catholic PUCMM law school, former JCE judge 1998-2002, coordinator of the Commission for the Reform and Modernization of the Judiciary, former secretary general of the Commission for Penitentiary Policies, current director of the National School for the Judiciary.

Guilliani Valenzuela, Dr. John N, member, Disputes Chamber. Graduate of the Autonomous University of Santo Domingo (UASD), with his own law firm. This is his first government appointment.

Pina Medrano, Dra. Leyda. Graduate of the UNPHU law school and a professor of law at the UNIBE. She worked on the

consumer protection code and is a member of the commission currently preparing a constitutional reform project.

Olivares Ortega, Dr. Eddy de Jess. Tied to the PRD. UASD graduate who has served as prosecutor for Santo Domingo, secretary of the Santo Domingo city hall, and legal advisor

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to the Mayor.

Photos of some of the judges are displayed in our SIPRNET daily report of January 11, 2007.

13. (U) This report and extensive other material can be consulted on our SIPRNET site,
<http://www.state.sgov.gov/p/wha/santodomingo/>
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